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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,978	03/19/2001	Patty J. Brock	JONAT.008A	9274

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,978

Applicant(s)

BROCK ET AL. ST

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is an office action for serial number 09/811,978, entitled Computer Server Mounting apparatus, filed on March 19, 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-9, and 17-20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (Bueley) 6,273,534. Bueley discloses a rack (10, 70 and 72, rack defined as a framework having first and second apertures (80a, or 80b and 80c), stand or grating on or in which articles are placed), a slide (40), a bracket (82 and 84) with a supported portion (110, 112), a latch (133), a coil spring (150, column 8, lines 1ff), a chassis (12), and slidably mounted to the slide since a hook (56) can be slide into aperture 102) to mount the bracket to the slide (40). It would have been obvious to one having ordinary skill in the art to have modified Bueley to have the supported portion, said

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latch and bracket to cooperate to substantially entirely surround said solid portion of said rack between said first aperture and said second aperture since Bueley teaches in figures 5 and 7 that the latch can be positioned higher on the first wall (96) in order to substantially surround the solid portion (between the apertures 80a-c) for the purpose of providing a more secure attachment preventing vertical movement.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bueley 6,273,534 in view of Fall et al. (Fall) 6,209,979. Bueley discloses all of the limitations of the claimed invention except for the one or more mounting protrusions, mounting slots, and a lock. Fall teaches that it is known to have a chassis (12) having protrusions (14), a slide having mounting slots (16) and a lock (66). It would have been obvious to one having ordinary skill in the art to have modified Bueley to have included the protrusions (14) on the chassis and mounting slots (16) and a lock (66) on the slide as taught by Fall for a more secure means of attaching the chassis to the telescoping slide.

Claims 1-5, 7-9, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad 5,833,337 in view of Bueley 6,273,534, as discussed above. Kofstad discloses a rack (40), a slide (50), a bracket (56). Kofstad discloses all of the

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limitations of the claimed invention except for the latch being mounted on the bracket. Bueley teaches that it is known to have a rack (10, 70 and 72, rack defined as a framework, stand or grating on or in which articles are placed), a slide (40), a bracket (82 and 84) with a supported portion (110, 112), a latch (133) mounted on the bracket having a coil spring (150, column 8, lines 1ff), a chassis (12). It would have been obvious to one having ordinary skill in the art to have modified Kofstad to have replaced the bracket of Kofstad with the bracket including the latch as taught by Bueley for the purpose of providing a better and more secure means of attachment to the rack.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad in view of Bueley 6,273,534 in view of Fall et al. (Fall) 6,209,979. Kofstad in view of Bueley disclose all of the limitations of the claimed invention except for the one or more mounting protrusions, mounting slots, and a lock. Fall teaches that it is known to have a chassis (12) having protrusions (14), a slide having mounting slots (16) and a lock (66). It would have been obvious to one having ordinary skill in the art to have modified Kofstad in view of Bueley to have included the protrusions (14) on the chassis and mounting slots (16) and a lock (66) on the slide as taught by Fall for a more secure means of attaching the chassis to the telescoping slide.

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Allowable Subject Matter

Claims 10 and 21 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a bracket mounted on an end of a slide defining a first guide portion, a second guide portion and a support portion extending into said first mounting aperture, a latch defining a first slot and a second slot, the first and second slots cooperating with said first and second guide members to allow linear movement of the latch between a first position extending into said second aperture and a second position not extending into said second position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed June 7, 2004 have been fully considered but they are not persuasive.

The applicant has indicated that the references Bueley et al., Kofstad, and Fall et al. do not disclose the claimed invention. The applicant has not pointed out in certain terms

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how the references when combined do not meet the limitations of the claimed invention. The examiner does not agree with the applicant that references do not disclose all of the limitations of the claimed invention. Bueley or Bueley in view of Fall et al. or Kofstad in view of Bueley or Kofstad in view of Bueley in view of Fall clearly disclose a rack, a slide, a bracket, a latch, a chassis, and a lock.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

September 19, 2004